

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

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|-------------------------|---|------------------------------|
| KIRK DAVIS | § | |
| VS. | § | CIVIL ACTION NO. 9:16-CV-125 |
| SCOTT MARQUARDT, ET AL. | § | |

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Kirk Davis, a prisoner confined at the Diboll Correctional Facility, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing the action without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report and recommendation of the Magistrate Judge (document no. 4) is **ADOPTED**. A

final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

So Ordered and Signed

Nov 17, 2016

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge